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## Energy and Telecommunications Interim Committee

### 60th Montana Legislature

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September 27, 2007

TO: ETIC Members

FR: Todd Everts

RE: PSC Rulemaking

I will be unable to attend the upcoming meeting in Colstrip due to a long standing commitment. At your July 2007, meeting I handed out a memorandum articulating the ETIC's rulemaking review authority. As your staff attorney, I am obligated to review the PSC's rulemaking activities on behalf of the ETIC. My review consists of the following elements:

- (1) Does the PSC have the specific statutory authority to adopt the proposed rules?
- (2) Are the proposed rules consistent and not in conflict with the authorizing statute or other sections of law?
- (3) Are the proposed rules reasonably necessary to effectuate the purpose of the authorizing statute?
- (4) Is the proper statutory authority cited?

The PSC currently is conducting promulgating administrative rules regarding protective orders and qualified facilities. I have attached copies of these proposed rules. I have reviewed these proposed rules and I have found that these proposed rules are legally consistent with the above stated criteria. If you have any questions, do not hesitate contact me at [teverts@mt.gov](mailto:teverts@mt.gov) or 444-3747.